

TO:	Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of California on the following Patents or Trademarks:

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT	
PLAINTIFF CV 12-05541 KAW	DEC 29 2012	Northern District of California	
Softvault Systems, Inc.		DEFENDANT	
		NOVELL, INC.	
PATENT OR TRADEMARK NO.		DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,249,868 B1		6/19/2001	Softvault Systems, Inc.
2 6,594,765 B2		7/15/2003	Softvault Systems, Inc.
3			
4			
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	<input checked="" type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill	<input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK			
1					
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

1 BENEDICT O'MAHONEY (Bar No.152447)
2 TERRA LAW
3 177 Park Avenue, Third Floor
4 San Jose, California 95113
5 Telephone: 408-299-1200
6 Facsimile: 408-998-4895
7 Email: bomahoney@terralaw.com

ORIGINAL FILED

OCT 29 2012

FEDERAL DISTRICT COURT
CLARK, CALIFORNIA
NO. CV 12-05541 KAW

8 JONATHAN T. SUDER (*Pro Hac Vice To Be Filed*)
9 CORBY R. VOWELL (*Pro Hac Vice To Be Filed*)
10 TODD I. BLUMENFELD (*Pro Hac Vice To Be Filed*)
11 FRIEDMAN, SUDER & COOKE
12 Tindall Square Warehouse No. 1
13 604 East 4th Street, Suite 200
14 Fort Worth, Texas 76102
15 Telephone: (817) 334-0400
16 Facsimile: (817) 334-0401
Email: jts@fsclaw.com
Email: vowell@fsclaw.com
Email: blumenfeld@fsclaw.com

17 EDWARD W. GOLDSTEIN (*Pro Hac Vice To Be Filed*)
18 GOLDSTEIN LAW, PLLC
19 1177 West Loop South, Suite 400
20 Houston, Texas 77027
21 Telephone: (713) 877-1515
22 Facsimile: (713) 877-1737
23 Email: cgoldstein@gliplaw.com

24 *Attorneys for Plaintiff*
25 SOFTVAULT SYSTEMS, INC.

26
27 UNITED STATES DISTRICT COURT
28 NORTHERN DISTRICT OF CALIFORNIA
29
30 SAN JOSE DIVISION

31 SOFTVAULT SYSTEMS, INC.

32 Plaintiff,

33 vs.

34 NOVELL, INC.

35 Defendant.

36 CASE NO. CV 12-05541 KAW

37 COMPLAINT FOR
38 INFRINGEMENT OF
39 U.S. PATENT NOS. 6,249,868
40 AND 6,594,765

41 JURY TRIAL DEMANDED

1 Plaintiff SOFTVAULT SYSTEMS, INC. files its Complaint against
2 Defendant NOVELL, INC., alleging as follows:

3 **THE PARTIES**

4 1. Plaintiff SOFTVAULT SYSTEMS, INC. ("SOFTVAULT") is a
5 corporation organized and existing under the laws of the State of Washington with
6 its principle place of business in the State of Washington.

7 2. Upon information and belief NOVELL, INC. ("DEFENDANT" or
8 "Novell") is a corporation organized and existing under the laws of the State of
9 Delaware, with its principal place of business in Provo, Utah. Defendant may be
10 served with process through its registered agent CT Corporation System, 818 West
11 7th Street, Los Angeles, CA 90017-3407.

12 **JURISDICTION AND VENUE**

13 3. This is an action for infringement of United States patents. This Court
14 has exclusive jurisdiction of such action under Title 28 U.S.C. § 1338(a).

15 4. Upon information and belief, Novell is subject to personal jurisdiction
16 by this Court. Novell has committed such purposeful acts and/or transactions in
17 the State of California that it reasonably knew and/or expected that it could be
18 haled into a California court as a future consequence of such activity. Novell
19 makes, uses, and/or sells infringing products within the Northern District of
20 California and has a continuing presence and the requisite minimum contacts with
21 the Northern District of California, such that this venue is a fair and reasonable
22 one. Upon information and belief, Novell has transacted and, at the time of the
23 filing of this Complaint, is continuing to transact business within the Northern
24 District of California. For all of these reasons, personal jurisdiction exists and
25 venue is proper in this Court under 28 U.S.C. §§ 1391(b)(1), (2) and (c)(2) and 28
26 U.S.C. § 1400(b).

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PATENTS-IN-SUIT

5. On June 19, 2001, United States Patent No. 6,249,868 BI ("the '868 Patent") was duly and legally issued for "METHOD AND SYSTEM FOR EMBEDDED, AUTOMATED, COMPONENT-LEVEL CONTROL OF COMPUTER SYSTEMS AND OTHER COMPLEX SYSTEMS." A true and correct copy of the '868 Patent is attached hereto as Exhibit A and made a part hereof.

6. On July 15, 2003, United States Patent No. 6,594,765 B2 ("the '765 Patent") was duly and legally issued for "METHOD AND SYSTEM FOR EMBEDDED, AUTOMATED, COMPONENT-LEVEL CONTROL OF COMPUTER SYSTEMS AND OTHER COMPLEX SYSTEMS." A true and correct copy of the '765 Patent is attached hereto as Exhibit B and made a part hereof.

7. The '868 Patent and the '765 Patent are sometimes referred to herein collectively as "the Patents-in-Suit."

8. As it pertains to this lawsuit, the Patents-in-Suit, very generally speaking, relate to a method and system of protecting electronic, mechanical, and electromechanical devices and systems, such as for example a computer system, and their components and software from unauthorized use. Specifically, certain claims of the '868 and '765 Patents disclose the utilization of embedded agents within system components to allow for the enablement or disablement of the system component in which the agent is embedded. The invention disclosed in the Patents-in-Suit discloses a server that communicates with the embedded agent through the use of one or more handshake operations to authorize the embedded agent. When the embedded agent is authorized by the server, it enables the device or component, and when not authorized the embedded agent disables the device or component.

FIRST CLAIM FOR RELIEF

(Patent Infringement)

9. SoftVault repeats and realleges every allegation set forth above.

10. SoftVault is the owner of the Patents-in-Suit with the exclusive right to enforce the Patents-in-Suit against infringers, and collect damages for all relevant times, including the right to prosecute this action.

11. Upon information and belief, Novell is liable under 35 U.S.C. §271(a) for direct infringement of the Patents-in-Suit because it manufactures, makes, has made, uses, practices, imports, provides, supplies, distributes, sells, and/or offers for sale products and/or systems that practice one or more claims of the Patents-in-Suit.

12. More specifically, Novell infringes the Patents-in-Suit because it manufactures, makes, has made, uses, practices, imports, provides, supplies, distributes, sells, and/or offers for sale products and systems which prevent unauthorized use of a computer system through the ability to enable or disable the operation of a device's components through an authorization process performed by an embedded agent in the component device and a server. By way of example only, Novell's ZENworks software and specifically ZENworks Mobile Management software, at a minimum, in the past directly infringed and continues to directly infringe at least Claims 1 and 44 of the '868 Patent, as well as at least Claim 9 of the '765 Patent.

13. Novell's ZENworks Mobile Management software includes the capability to enable or disable a mobile device, such as a laptop or smart phone, to prevent misuse of the system by rogue devices and/or rogue servers. The ZENworks Mobile Management software includes a ZENworks Mobile Management application that is installed on a mobile device and communicates with ZENworks Mobile Management server. This communication includes a series of message exchanges constituting a handshake operation between the Mobile

1 Management application and the ZENworks Mobile Management server. Through
2 these exchanges the ZENworks Mobile Management server can authenticate and
3 authorize a device in which the Mobile Management application is embedded.
4 When the Mobile Management application is authorized by the ZENworks Mobile
5 Management server, the mobile device operates normally and when the Mobile
6 Management application is not authorized, the mobile device is remotely locked
7 and disabled.

8 14. Novell has actual notice of the Patents-in-Suit at least as early as the
9 filing of this Complaint.

10 15. SoftVault has been damaged as a result of Novell's infringing
11 conduct. Novell is, thus, liable to SoftVault in an amount that adequately
12 compensates SoftVault for Novell's infringement, which, by law, cannot be less
13 than a reasonable royalty, together with interest and costs as fixed by this Court
14 under 35 U.S.C. § 284.

15 **PRAYER FOR RELIEF**

16 SoftVault requests that the Court find in its favor and against Novell, and
17 that the Court grant SoftVault the following relief:

- 18 a. Judgment that one or more claims of the Patents-in-Suit have been
19 infringed, either literally and/or under the doctrine of equivalents, by
20 Novell;
- 21 b. Judgment that Novell account for and pay to SoftVault all damages to
22 and costs incurred by SoftVault because of Novell's infringing
23 activities and other conduct complained of herein;
- 24 c. That Novell, its officers, agents, servants and employees, and those
25 persons in active concert and participation with any of them, be
26 permanently enjoined from infringement of the Patents-in-Suit. In the
27 alternative, if the Court finds that an injunction is not warranted,
28 SoftVault requests an award of post judgment royalty to compensate

1 for future infringement;

2 d. That SoftVault be granted pre-judgment and post-judgment interest on

3 the damages caused to it by reason of Novell's infringing activities

4 and other conduct complained of herein;

5 d. That this Court declare this an exceptional case and award SoftVault

6 its reasonable attorney's fees and costs in accordance with 35 U.S.C.

7 § 285; and

8 f. That SoftVault be granted such other and further relief as the Court

9 may deem just and proper under the circumstances.

10 **JURY DEMAND**

11 Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal

12 Rules of Civil Procedure.

15 DATED: October 26, 2012.

/s/ Benedict O'Mahoney

Benedict O'Mahoney
(Bar No.152447)
TERRA LAW
177 Park Avenue, Third Floor
San Jose, California 95113
Telephone: 408-299-1200
Facsimile: 408-998-4895
Email: bomahoney@terralaw.com

21 Attorney for Plaintiff
SOFTVAULT SYSTEMS, INC.

22 Of Counsel:

23 Jonathan T. Suder
24 Corby R. Vowell
25 Todd Blumenfeld
FRIEDMAN, SUDER & COOKE
Tindall Square Warehouse No. 1
604 East 4th Street, Suite 200
26 Fort Worth, Texas 76102
Telephone: (817) 334-0400
Facsimile: (817) 334-0401
Email: its@fsclaw.com
Email: blumenfeld@fsclaw.com

1 Email: vowell@fsclaw.com
2
3
4
5

Edward W. Goldstein
GOLDSTEIN LAW, PLLC
1177 West Loop South, Suite 400
Houston, Texas 77027
Telephone: (713) 877-1515
Facsimile: (713) 877-1737
Email: egoldstein@gliplaw.com

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